# SELECTED OPEN SOURCE CHRONOLOGY

James Street Bridge Closure

# 2013

**October 29, 2013:** A fire damaged a bridge on James Street leading to Fort William First Nation. The bridge fire closes one of three access routes to the reserve. First Nation leaders (Fort William, Anishinabek Nation) express concerns about emergency access – Fort William Chief raises idea of discussing construction of a new bridge with City of Thunder Bay, CN Rail. Ontario's Office of the Fire Marshal (OFM) inspects bridge, which is reportedly considered a crime scene.<sup>1 2</sup> As of July 25, 2014, OFM is quoted in media saying it "is still gathering information from CN Rail." <sup>3</sup>

**November 1, 2013:** CN reopened the bridge to train traffic only, keeping it closed to vehicular traffic. <sup>4</sup>

**November-December 2013:** Social media commentary and accusations linked to the bridge took a significantly racist tone, causing the First Nation, the City of Thunder Bay and other organizations to attempt to defuse anger over lack of access to the bridge. <sup>5 6</sup> 7 8 9 10 11 12

**December 5, 2013:** CN Rail announced bridge will reopen for pedestrian traffic, but not to vehicles. <sup>13</sup>

## 2014

**February 10, 2014:** Speaking at a Fort William First Nation public meeting, First Nation leaders estimated on-reserve businesses were losing \$50,000/day in revenue. A First Nation briefing note reportedly said, "employment wages were down by up to 40 per cent at all the Robinson Superior community's City Road businesses, due to layoffs and reduced hours." <sup>14</sup> One First Nation homeowner reportedly said his on-reserve house insurance rates would double because fire trucks would have a harder time getting to his home in the event of a fire. While more than one person attending the meeting at FWFN, including Robinson-Superior Regional Chief Peter Collins, suggested a blockade of some sort at the bridge site would be useful, First Nation leadership at the meeting were quoted saying such action should be considered a last resort.

**February 11, 2014:** Thunder Bay-Superior North NDP MP John Rafferty reportedly sent a letter to federal Minister of Transportation Lisa Raitt about the bridge, "(outlining) the importance of the link to the Fort William First Nation to Thunder Bay." <sup>15</sup> Chiefs of Ontario Regional Chief Stan Beardy was quoted in media saying he thinks all MPs and MPPs should be made aware of the plight of the Fort William First Nation. <sup>16</sup>

**February 28, 2014:** ".... (Fort William) Chief Morriseau, Councillor Wyatt Bannon and Director of Lands and Property Management Ian Bannon met in Edmonton last week (week of 17-21 Feb 2015) with CN officials about their plans to re-open traffic on the James Street bridge. "We are still awaiting the results of (CN's) engineering report which is scheduled to be released at the end of March," says Chief Morriseau who spoke to railway's top executives about the impacts of the bridge closure. "Right now CN says the state of the bridge is deemed very unsafe. They will not consider any short term opening of any kind due to the capacity issues and safety" ....." <sup>17 18</sup>

**May 7, 2014:** "CN Rail .... presented an engineering report that recommends keeping the bridge closed to vehicles, but (Thunder Bay Mayor Keith) Hobbs said the report was "not very in-depth" despite taking six months to complete ...." <sup>19</sup>

**July 4, 2014:** Fort William First Nation issued a news release announcing CN Rail may be trespassing on some lands not covered by the original 1906 agreement, adding the First Nation would be willing to discuss the issue. <sup>20 21</sup>

**July 7, 2014:** Negotiations between Thunder Bay and CN stopped after the railway said it could no longer meet a 7 July timeline for a response to a municipality offer "after

Fort William First Nation raised the issue of land title for some sections of road allowances on the south side of the Kaministiquia River ...."<sup>22</sup>

**July 15-16, 2014:** "CN has sent a letter to Thunder Bay Mayor Keith Hobbs stating that it would like to see the City of Thunder Bay contribute funds to help repair the bridge. The company is seeking that its original agreement to maintain the bridge in effect be cancelled because the bridge has exceeded its useful life ...." <sup>23 24</sup> The City was reportedly given until 5pm on July 22 to respond to what CN reportedly called its "final offer." <sup>25</sup> The City of Thunder Bay released a copy of the 1906 agreement to the public. <sup>26 27</sup>

**July 22, 2014:** After more than two-and-a-half hours of in-camera discussion, the City of Thunder Bay announced that, ".... City Council unanimously voted to reject CN's offer regarding the James Street Swing Bridge (and) requested a full legal review of the rights and obligations extended to CN over the years including but not limited to the 1906 agreement and a 1905 agreement .... expected to take several months ....." <sup>28 29 30</sup>

**October 9, 2014:** CN Rail made a new offer to "share the James Street Bridge with motorists (with) the price of sharing its rail deck for the long term (being) at no cost to the City or Fort William First Nation." CN said the 1906 would have to be replaced with a new agreement. <sup>31 32</sup>

**October 10, 2014**: Fort William First Nation issued a news release stating, "Through a partnership with AANDC Fort William First Nation was able to offer \$1,000,000 towards the remediation of the James Street Swing Bridge." <sup>33</sup>

**October 10, 2014:** The City of Thunder Bay announced it "will consider the proposal CN Rail has reportedly made in regards to the James Street Bridge once a formal offer in writing is received." The City said it had had not received any documentation from CN. <sup>34</sup>

# 2015

**January 7, 2015:** "The city .... received an offer from CN .... and the federal government is willing to mediate a solution. City manager Tim Commisso said city council hasn't had a chance to review the offer, which will be discussed during the Jan. 19 meeting at the latest, as city solicitor Nadia Koltun needs to finish taking a look before making recommendations. "Our issue there is the extent to which any proposed solution increases the liability on the city," Commisso said. "We want to see a solution but the reality of it is if it's at the expense of having to take on additional liability and additional cost it's a challenge for us." The federal government, through Aboriginal Affairs and Northern Development, has offered to mediate ...." <sup>35 36 37</sup>

January 11, 2015: Fort William Chief rejected latest CN offer.

**January 19, 2015**: The City of Thunder Bay decided to discuss bridge issue in camera on February 2, 2015. Media reports also indicated CN Rail was installing poles on the bridge to prevent vehicle traffic on all but the rail deck. <sup>38 39</sup>

**January 27, 2015**: Thunder Bay-Rainy River NDP MP John Rafferty asks question in House of Commons about the bridge. Minister of Transportation Lisa Raitt said, "We are aware that there are negotiations ongoing between Thunder Bay and CN Rail, because CN owns this bridge. If there are responsibilities and liabilities related to bridge repair and maintenance, we expect CN to fulfill these."<sup>40 41</sup>

**February 2, 2015:** Thunder Bay city council decides to discuss latest CN offer at an incamera meeting February 9, 2015. <sup>42</sup>

**February 9, 2015:** Thunder Bay city council voted unanimously to reject CN's latest offer and take CN to court over the bridge dispute. <sup>43 44</sup> Fort William First Nation

supported the move. <sup>45</sup>Thunder Bay Fire Service said the cause of the fire is still unknown. <sup>46</sup>

**February 20, 2015**: "CN announced they had filed a case in Ontario Superior Court asking a judge to determine the company's exact obligations for the bridge under the 1906 agreement." <sup>47 48</sup> The City of Thunder Bay also filed documents asking the court to "interpret the 1906 Agreement between the City of Thunder Bay and CN." <sup>49</sup>

**March 3, 2015**: Ontario's Office of the Fire Marshal said it had received an "important" piece of information from CN regarding the bridge fire. No information on the cause of the fire was released. <sup>50</sup>

**July 21, 2015**: Parties to litigation reportedly met with a judge in Thunder Bay the week of 13-17 July. Thunder Bay reportedly "revealed that it's asked the court to review the 1905-06 agreement by way of application. They say it would lead to a quicker resolution of the dispute than a trial." The court is scheduled to hear arguments on Oct. 23 on what the appropriate procedure should be.<sup>51</sup>

# 2016

**January 20, 2016:** Justice John Fregeau reportedly agreed to have the litigation undergo a shorter, quicker process than one requested by the railway. Justice Fregeau also agreed to allow the City of Thunder Bay access to the bridge to carry out its own inspection. <sup>52 53 54</sup> The railway is reviewing the decision, reportedly considering an appeal.<sup>55 56</sup> The decision (*Thunder Bay (City) v CN Rail, 2016 ONSC 469*) is available online at <u>http://www.canlii.org/en/on/onsc/doc/2016/2016onsc469/2016onsc469.html</u>.

**April 28, 2016:** A media report<sup>57</sup> says the municipality will seek clarification from Justice Fregeau about city engineers being allowed access to the bridge for an inspection. CN is quoted saying only obstacle is municipality "understanding risks and (protecting) against risks" of an inspection. It could take until December 2016 to arrange a next court appearance. Ontario Fire Marshal's office official also quoted saying final investigative report on fire is complete, and is under internal review before being distributed.

**May 3, 2016:** Brian Malone, consulting engineer hired by CN Rail, inspected the bridge for one day.<sup>58</sup>

**July 7, 2016:** According to media reports<sup>59</sup>, on 7 July 2016, municipal (including consulting engineer Darrel Gagnon<sup>60</sup>) and FN officials had a chance to inspect the James Street Swing Bridge for about two hours. City Manager Norm Gale is quoted in media saying a report is being prepared for City Council, but can't say how long it will take to prepare. Most media reports<sup>61 62</sup> say the report will likely be presented incamera to Council because it's associated with ongoing litigation with CN (such closed-door discussion is allowed under Ontario's *Municipal Act*), while one report<sup>63</sup> (TBNewswatch) says the report *"will be made public at a yet-to-be-announced City Council meeting."* 

**September 2016**: Consulting engineer Russell Brownlee, representing the municipality, inspected the bridge for *"approximately an hour."*<sup>64</sup>

**October 25, 2016**: The Office of the Ontario Fire Marshal said it's determined the cause of the bridge fire as "undetermined." <sup>65 66</sup>

# 2017

**April 2, 2017:** A First Nation newsletter<sup>67</sup> said, "(*The First Nation*) is currently awaiting the judge's response after the hearing that was held in March 2017."

**April 8, 2017:** Peter Collins re-elected as Chief of Fort William. During pre- and postelection interviews with media, Collins was quoted saying he has a plan for a \$25 million

vehicle-pedestrian bridge. Collins is quoted saying he's discussed the idea with federal and provincial officials, saying he hoped Canada would earmark infrastructure funding for the bridge and that "the province has agreed to a five-year list of planned projects already." <sup>68</sup> 69 70 71</sup>

June 14, 2017: City of Thunder Bay announces, "The Superior Court of Ontario has dismissed the City of Thunder Bay's application for an order requiring CN to maintain the James Street Bridge. "We are disappointed with the decision, and are considering our options going forward," said Norm Gale, City Manager. "A full report will be brought to City Council soon. We will not be making any further comment at this time." ... "72 Media guote<sup>73</sup> from Superior Court Justice Patrick Smith's decision: "..."Without a specific and detailed proposal from the city – one that has been tested and approved as structurally safe for public traffic, this court is left without reliable evidence upon which to formulate the orders that the city is seeking," Smith wrote. "This court cannot make an order based upon conjecture, speculation or the possibility that an 'idea' may be workable. This is all the more critical when the safety of the public is at risk. Without evidence, it is not possible to determine whether the work required to open the bridge safely is within the scope of what was intended by the parties signing the 1906 agreement." .... "74 Media quote from Fort William Chief Peter Collins: "... Collins, who spoke briefly Wednesday with Thunder Bay Mayor Keith Hobbs, said he's doubtful the city will appeal the decision, saying the money could probably be better spent building a new bridge between the two communities. But that won't happen overnight. "What it will take is a one-year environmental assessment that has to take place. And probably design and build that will take another two years, so we're probably looking at three to five years before we see permanent access into the community," Collins said, adding the lion's share of the money would have to come from senior levels of government. He declined to comment when asked how much Fort William First Nation would be willing to contribute to the proposed project, which could see a new bridge built next to the swing bridge ....<sup>75</sup>

**June 19, 2017:** CBC quotes Fort William Chief Peter Collins saying it will be 3-5 years before a new bridge can be built between the reserve and Thunder Bay. He's quoted saying he started, *"starting discussions several weeks ago with the provincial and federal governments over terms of reference to get a new bridge built."*<sup>76</sup>

**August 21, 2017**: CBC reports<sup>77</sup>, "The City of Thunder Bay is appealing a June decision by an Ontario Superior Court judge, who ruled CN Rail is not responsible for repairing the James Street Swing Bridge. A notice of appeal was filed with the Court of Appeal for Ontario on July 10. In the notice, the city says Justice G. P. Smith "failed to understand what he was being asked to do" when he made his June ruling in favour of CN ..."

**November 13, 2017**: TBNewswatch reports<sup>78</sup> the City of Thunder Bay's appeal will be heard in the Ontario Court of Appeal January 24, 2018.

#### 2018

January 24, 2018: Appeal reportedly heard in Ontario Court of Appeal in Toronto.<sup>79</sup>

**February 7, 2018:** Fort William Chief Peter Collins is quoted in media<sup>80 81</sup> saying the City should consider dropping the bridge litigation because it's interfering with efforts to build a new replacement bridge. Chief Collins is quoted saying a temporary Bailey bridge is also being considered as an interim solution. Legal counsel for the City is quoted saying an appeal decision is expected in two to six months.

**March 2, 2018**: Chief Peter Collins is quoted in Thunder Bay media<sup>82</sup> saying, "Collins said he has meetings scheduled with CN and provincial and federal ministers in an effort to restore the direct connection to his community. "We haven't gotten final approval from officials yet. We're working on that," Collins said. "Hopefully at the end of those meetings we'll have a clearer understanding of where we're going to go with the solution." Collins said the details of the plan are currently being reviewed by engineers. "If all the cards fall into place and they come together in a timely manner over the next

little while, we see that the bridge could be open by late June, early July," Collins said. Collins had previously said the price tag could exceed \$1 million, compared to the estimates of \$25 million for a new bridge. But the chief has received indication the Bailey bridges could be more than just a quick fix ..."

**March 27, 2018**: In a statement issued by the City of Thunder Bay<sup>83 84</sup>, Mayor Keith Hobbs said, *"In 2011, the City declared its commitment to work collaboratively with FWFN on outstanding issues that are to our mutual benefit. The reopening of the James Street Bridge fits squarely within what is a 'mutual benefit' to both of our communities. We remain open to speaking with CN Railway on how we can reopen this critical point of access between FWFN and the City. Council is pleased to offer this statement of support for FWFN's efforts."* 

**June 11, 2018**: The Ontario Court of Appeal ruled (*Thunder Bay (City) v. Canadian National Railway Company*, 2018 ONCA 517<sup>85</sup>) in favour of the City, declaring "that CN has breached the 1906 Agreement; and ... (ordering) CN to reopen the Bridge for vehicle traffic and maintain the Bridge in accordance with the 1906 Agreement." Thunder Bay City Manager Norm Gale is quoted in a statement by the municipality<sup>86</sup> saying, "We expect that CN will now carry out any necessary repairs and reopen the bridge." Fort William Chief Peter Collins is quoted in media<sup>87</sup> saying, "We're excited about the ruling but we don't want to get overjoyed with it because we're not sure what will unfold next." CN is quoted in media<sup>88 89</sup> saying, "CN is reviewing the court decision and potential next steps. Regardless of the outcome, CN wishes to continue to work with the city and Fort William First Nation to try and find a solution to the issue of the James Street Swing Bridge."

**July 11, 2018**: The City of Thunder Bay says it's expecting an official response from CN Rail about the Ontario Court of Appeal decision by July 16.<sup>90</sup> Fort William Chief Peter Collins is quoted in media saying the railway *"is seeking an engineering contractor for the project."*<sup>91</sup>

**July 18, 2018:** The City of Thunder Bay has issued a statement<sup>92</sup> saying CN will be appealing the June 11 Ontario Court of Appeal decision to the Supreme Court of Canada. One media report says CN must submit an appeal no later than September 10, 2018.<sup>93</sup> CN is quoted in various media reports<sup>94</sup> saying the company is seeking *"guidance from the courts on the scope of our obligations under the 1906 agreement."* CN has also reportedly, *"started a process involving engineering and construction firms to perform 'substantial work' on the span,"*<sup>95</sup> with a solution possible by the fall of 2018. The Mayor is quoted saying legal counsel for the municipality says the chances of an appeal being heard are *"slim to none."*<sup>96</sup> The Court of Appeal for Ontario says the Court of Canada hears appeals from less than 3% of the decisions of the Court of Appeal.<sup>97</sup>

**September 18, 2018:** Various media reports <sup>98</sup> <sup>99</sup> <sup>100</sup> <sup>101</sup> indicate Fort William First Nation wants a temporary "Bailey bridge," built by Acrow, put in place to let cars cross the still-closed portion of the bridge. It's estimated to cost around \$5-8 million, with a company official quoted saying *"bridge components can be delivered in four to eight weeks, with assembly and installation taking about a month, regardless of weather."* The bridge solution would require CN's approval.

**October 4, 2018:** According to a media report<sup>102</sup>, "...Patrick Waldron, with CN Public Affairs, provided a brief comment in an e-mail reply to a request for comments on the prefabricated bridge proposal. "We have engaged an independent engineering firm to develop a safe solution and examine the options for the bridge," Waldron says in the e-mail. "We have told the Fort William First Nation that this review will include an examination of the Bailey bridge proposal." "

**October 29, 2018:** "... The City of Thunder Bay and Fort William First Nation this month both filed their responses to the application, and the railway last week submitted a reply to the two respondents' arguments. It typically takes an average of just under four months for the Supreme Court to reach a decision on whether or not to actually hear an

appeal, meaning the parties will almost certainly have to wait until early 2019 to find out whether the highest court in the land will intervene in the case."<sup>103</sup>

**November 16, 2018:** According to an Ontario Court of Appeal decision<sup>104</sup>, CN sought a delay in having to implement the court's 20 Aug decision for about two months, saying *"it has taken reasonable steps to comply with this court's order and that it will continue to do so up until December 15, 2018 – the date on which it anticipates delivery of issued for construction drawings for reconstruction work it proposes to undertake. (CN) estimates that a decision from the Supreme Court of Canada on its leave application would likely be forthcoming within about two months after December 15, 2018." A statement from the City<sup>105</sup> quotes Mayor Keith Hobbs saying, <i>"The court is clear that CN must fix its bridge now. Over the past four years the City has sought to have CN Railway honour its commitments under the 1906 agreement to repair and reopen its bridge. Council remains resolved in its expectations, which have been confirmed by the court again ... CN must obey the court order and act now. CN has run out of reasons to continue to delay."* 

**March 28, 2019**: The Supreme Court of Canada announced<sup>106</sup>, "*Canadian National Railway Company v. Corporation of the City of Thunder Bay and Fort William First Nation (Ont.)* (Civil) (By Leave) (38247) -- The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C64026, 2018 ONCA 517, dated June 11, 2018, is dismissed with costs. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C64026, 2018 ONCA 517, daté du 11 juin 2018, est rejetée avec dépens."

**November 8, 2019**: Bridge officially opens<sup>107</sup>, with traffic actually crossing bridge 7 November. The City of Thunder Bay estimated its legal costs are approximately \$1.9 million, with CN having to pay \$300,000 of that.<sup>108 109</sup> Various media reports indicate municipal fire trucks will not be able to use the new bridge to access the reserve.<sup>110</sup>

#### Source Links

- <sup>2</sup> http://www.cbc.ca/news/canada/thunder-bay/burned-bridge-a-key-access-point-in-thunder-bay-1.2288590
- <sup>3</sup> <u>http://www.cbc.ca/news/canada/thunder-bay/ontario-fire-marshal-s-burned-bridge-investigation-lingers-1.2717842</u> <u>http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/Council\_Rejects\_CN\_Offer\_ndertake\_Detailed\_Legal\_Review\_s\_p19011.htm?EventMode=View&EventOccurrence=0</u> Will U
- <sup>5</sup> http://www.cbc.ca/news/canada/thunder-bay/racist-remarks-on-social-media-disheartening-1.2325108
   <sup>6</sup> https://mrbhss.wordpress.com/2013/10/30/the-james-street-bridge-burns-dividing-thunder-bay-racism-or-ignorance-on-social-
- media/

http://www.wawataynews.ca/archive/all/2014/1/24/action-against-thunder-bay-racism-called-building-bridges-event\_25342 http://www.netnewsledger.com/2013/10/30/burning-bridges-opinion/ http://aptn.ca/news/2013/11/08/fort-william-first-nation-faced-racist-backlash-triggered-bridge-burning/

- http://www.theargus.ca/index.php/archives/13695 http://www.tbnewswatch.com/news/305970/Swing-bridge-fire,-Twitter-reacts 12
- http://www.tbnewswatch.com/news/317970/Repairing-bridges
   http://www.cbc.ca/news/canada/thunder-bay/james-st-swing-bridge-to-stay-closed-for-months-1.2452653

- 14
   http://www.cbc.ca/news/canada/ittinder-bay/james-st-swing-ondge-to-stay-closed-iof-montris-1.2432655

   14
   http://anishinabeknews.ca/2014/02/14/chief-takes-bridge-issue-to-cn-brass-inac/

   15
   http://www.tbnewswatch.com/news/322536/Falls-short

   16
   http://www.cbc.ca/news/canada/thunder-bay/stan-beardy-wants-action-on-closed-bridge-to-first-nation-1.2533600

   17
   http://anishinabeknews.ca/2014/02/14/chief-takes-bridge-issue-to-cn-brass-inac/
- 18 http://fwfn.com/2014/03/03/cn-statement-february-28-2014/
- http://www.cbc.ca/news/canada/thunder-bay/james-street-swing-bridge-s-future-still-uncertain-1.2634501 http://fwfn.com/2014/07/04/fwfn-presents-counter-proposal-to-cn/ http://www.netnewsledger.com/2014/07/11/cn-not-moving-to-open-james-street-bridge/
- 20
- 21
- <sup>22</sup> http://www.neuriewsieager.com/2U14/0//11/cn-not-moving-to-open-james-street-bridge/
   <sup>22</sup> http://www.cbc.ca/news/canada/thunder-bay/james-street-swing-bridge-negotiations-on-hold-1.2699104
   <sup>23</sup> http://www.netnewsledger.com/2014/07/16/cn-rail-sets-deadline-to-thunder-bay-on-bridge/#sthash.g0tYKY8s.dpuf
   <sup>24</sup> http://www.thunderbay.ca/City Government/News and Strategic Initiatives/News Releases/Council Rejects CN Offer
   Undertake Detailed Legal Review s p19011.htm?EventMode=View&EventOccurrence=0
   <sup>25</sup> http://www.cbc.ca/news/canada/thunder-bay/thunder-bay/mayor worsto to keep to heap to Will
- http://www.cbc.ca/news/canada/thunder-bay/thunder-bay-mayor-wants-to-keep-talking-with-cn-1.2708964
- 26 http://www.cbc.ca/news/canada/thunder-bay/thunder-bay-says-cn-should-honour-century-old-contract-1.2707371#PDF http://www.documentcloud.org/documents/1217800-2.html 27

- Will
- <sup>28</sup> http://www.netnewsledger.com/2014/07/22/thunder-bay-council-to-announce-james-street-bridge-decision/
   <sup>29</sup> http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/Council\_Rejects\_CN\_Offer\_Undertake\_Detailed\_Legal\_Review\_s\_p19011.htm?EventMode=View&EventOccurrence=0
   <sup>30</sup> http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/Council\_Rejects\_CN\_Offer\_Undertake\_Detailed\_Legal\_Review\_s\_p19011.htm?EventMode=View&EventOccurrence=0
   <sup>30</sup> http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/Council\_Rejects\_CN\_Offer\_Undertake\_Detailed\_Legal\_Review\_s\_p19011.htm?EventMode=View&EventOccurrence=0 Will Undertake Detailed Legal Review s p19011.htm?EventMode=View&EventOccurrence=0 <sup>31</sup> http://country1053.ca/news/111752793/cn-rail-makes-offer-james-street-bridge <sup>32</sup> http://www.netnewsledger.com/2014/10/10/cn-rail-offers-outside-the-box-solution-for-james-street-bridge/ <sup>33</sup> http://fwfn.com/upload/2014/11/CN-Statement-October-10-2014.pdf

- <sup>34</sup>http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/City\_Awaiting\_Written\_Proposal\_fro m\_CN\_for\_James\_Street\_Bridge\_s\_p19386.htm?EventMode=View&EventOccurrence=0
   <sup>35</sup> http://www.tbnewswatch.com/News/366591/CN\_gives\_city\_James\_Street\_Swing\_Bridge\_offer, feds\_willing\_to\_mediate
   <sup>36</sup> http://www.cbc.ca/news/canada/thunder-bay/cn-submits-revised-offer-to-thunder-bay-for-reopening-bridge-1.2893156
- 37 http://www.cbc.ca/news/canada/thunder-bay/thunder-bay-studies-cn-s-revised-offer-for-reopening-bridge-1.2917527
- http://www.tbnewswatch.com/news/367128/Council to talk Swing Bridge behind closed doors in February http://www.chroniclejournal.com/content/news/local/2015/01/20/bridge-solution-delayed-again https://twitter.com/NDPHoC\_NPDCdC/status/560165916080898048 39
- 40
- http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=hansard&Language=E&Mode=1&Parl=41&Ses=2#Int-8557514 42 http://www.tbnewswatch.com/News/367541/Council holding off on Swing Bridge talks until next week
- 43 http://www.cbc.ca/news/canada/thunder-bay/cn-and-thunder-bay-head-to-court-over-james-st-bridge-1.2951362
- 44 http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/Council\_Rejects\_Final\_CN\_Offer\_S eeking\_Validity\_of\_1906\_Agreement\_from\_Court\_s\_p20138.htm?EventMode=View&EventOccurrence=0 <sup>45</sup> http://www.netnewsledger.com/2015/02/10/cn-rail-ignored-solutions-from-fort-william-first-nation/ <sup>46</sup> http://www.tbnewswatch.com/News/367826/Swing\_Bridge\_saga\_appears\_to\_be\_headed\_to\_court; cause\_of\_fire\_still\_unknown <sup>47</sup> http://www.tbnewswatch.com/News/368170/CN\_bringing\_1906\_James\_Street\_Swing\_Bridge\_agreement\_before\_judge <sup>48</sup> bttp://www.tbnews/ada/tbunder.bay/on\_takes-courts-action\_oversiames-stswing\_bridge\_dispute-1\_2965/39 S

- 48 http://www.cbc.ca/news/canada/thunder-bay/cn-takes-court-action-over-iames-st-swing-bridge-dispute-1.2965439 49

http://www.thunderbay.ca/City Government/News and Strategic Initiatives/News Releases/City Files Motions Against CN in S uperior Court of Justice s p20205.htm?EventMode=View&EventOccurrence=0 <sup>50</sup> "Probe Gleans Information," Chronicle-Journal, 3 Mar 2015 <sup>51</sup> http://www.tbnewswatch.com/News/373478/City\_asks\_court\_to\_review\_agreement\_with\_CN\_over\_swing\_bridge

- 52
- http://fwfn.com/james-street-swing-bridge-update/
- http://tbnewswatch.com/News/380158/Judge gives city access to examine conditions of James Street Swing Bridge http://www.chroniclejournal.com/news/city-fwfn-win-right-to-quick-bridge-decision/article\_7f4b6eb0-c05f-11e5-9973-54
- bb5b5fd1f96f.html

http://www.chroniclejournal.com/news/round-one-victory/article\_f1d412a2-c0ff-11e5-aacc-b3df7287a51e.html

http://www.tbnewswatch.com/News/388111/Swing\_bridge\_legal\_battle\_remains\_stalled,\_December\_appeal\_likely <sup>58</sup> Thunder Bay (City) v. CN Rail, 2017ONSC 3560, 9 June 2017, summary here https://canliiconnects.org/en/summaries/62375

- <sup>60</sup> *Thunder Bay (City) v. CN Rail, 2017ONSC 3560*, 9 June 2017, summary here <a href="https://canliiconnects.org/en/summaries/62375">http://www.cbc.ca/news/canada/thunder-bay/thunder-bay-access-bridge-1.3677418</a>
   <sup>62</sup> <a href="http://www.chroniclejournal.com/news/city-takes-look-at-cn-bridge/article\_06d99340-490c-11e6-a083-c755ada45ea9.html">http://www.chroniclejournal.com/news/city-takes-look-at-cn-bridge/article\_06d99340-490c-11e6-a083-c755ada45ea9.html</a>
   <sup>63</sup> <a href="http://tbnewswatch.com/news/391464/City\_engineers\_inspect\_James\_Street\_bridge">http://tbnewswatch.com/news/391464/City\_engineers\_inspect\_James\_Street\_bridge, ending\_impasse\_with\_CN</a>
   <sup>64</sup> <a href="https://canliiconnects.org/en/summaries/62375">https://canliiconnects.org/en/summaries/62375</a>
   <sup>65</sup> <a href="https://www.tbnewswatch.com/news/james-street-bridge-fire-cause-officially-undetermined-446048">http://www.chroniclejournal.com/news/391464/City\_engineers\_inspect\_James\_Street\_bridge, ending\_impasse\_with\_CN</a>
   <sup>64</sup> <a href="https://canliiconnects.org/en/summaries/62375">https://canliiconnects.org/en/summaries/62375</a>
   <sup>65</sup> <a href="https://www.tbnewswatch.com/news/james-street-bridge-fire-cause-officially-undetermined-446048">https://www.tbnewswatch.com/news/james-street-bridge-fire-cause-officially-undetermined-446048</a>
   <sup>66</sup> <a href="https://www.cbc.ca/news/canada/thunder-bay/bridge-fire-cause-1.3820951">https://www.cbc.ca/news/canada/thunder-bay/bridge-fire-cause-1.3820951</a>
   <sup>67</sup> <a href="https://www.cbc.ca/news/canada/thunder-bay/bridge-fire-cause-1.3820951">https://www.cbc.ca/news/canada/thunder-bay/bridge-fire-cause-1.3820951</a>

- https://fwfn.com/wp-content/uploads/2017/03/March-27-April-2-Final.pdf 68
- http://wawataynews.ca/breaking-news/fort-william-first-nation-2017-inauguration https://www.tbnewswatch.com/local-news/swing-bridge-looms-as-fwfn-swears-in-chief-and-council-597083 69
- <sup>71</sup> http://www.chroniclejournal.com/news/new-bridge-possible-to-connect-city-reserve-collin-says-gov/article\_3e680650-1df2-11e7-b806-8b4b669ffde4.html 72

https://www.tbnewswatch.com/local-news/court-says-cn-does-not-have-to-maintain-james-street-swing-bridge-643045 <sup>74</sup> Full decision downloaded from FaceBook

<sup>&</sup>lt;sup>1</sup> http://www.tbnewswatch.com/news/306012/Now-a-crime-scene

http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/City\_s\_CN\_Application\_Dismissed\_by Court\_s\_p24870.htm 73

<sup>75</sup> https://www.tbnewswatch.com/local-news/fwfn-chief-disappointed-at-swing-bridge-decision-643299 <sup>76</sup> http://www.cbc.ca/news/canada/thunder-bay/peter-collins-cn-decision-1.4162617

77

<sup>77</sup> http://www.cbc.ca/news/canada/thunder-bay/james-street-bridge-appeal-1.4255598
 <sup>78</sup> https://www.tbnewswatch.com/local-news/citys-swing-bridge-appeal-to-be-heard-in-january-766523

79 https://www.tbnewswatch.com/local-news/swing-bridge-appeal-decision-expected-in-coming-months-823654

<sup>80</sup> https://www.tbnewswatch.com/local-news/collins-urges-city-to-drop-swing-bridge-legal-battle-834187

81 http://www.trcctb.com/news/2018/02/09/thunder-bay-cant-tax-fwfn-anymore/

<sup>82</sup> https://www.tbnewswatch.com/local-news/swing-bridge-solution-could-be-ready-this-summer-collins-852707

83 http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/The\_City\_Releases\_a\_Statement\_Re garding the James Street Bridge s p26764.htm

https://www.tbnewswatch.com/local-news/city-backs-fwfn-efforts-to-reopen-swing-bridge-875296 Decision @ http://www.ontariocourts.ca/decisions/2018/2018ONCA0517.htm

<sup>85</sup> Decision @ <u>http://www.ontariocourts.ca/decis</u>

http://www.thunderbay.ca/City\_Government/News\_and\_Strategic\_Initiatives/News\_Releases/CN\_Ordered\_to\_Reopen\_Bridge\_for\_ Vehicle\_Traffic\_s\_p26985.htm?EventMode=View&EventOccurrence=0 <sup>87</sup> https://www.tbnewswatch.com/local-news/breaking-appeal-court-orders-cn-to-reopen-james-street-swing-bridge-950844

88 http://www.netnewsledger.com/2018/06/11/ontario-court-rules-cn-must-reopen-james-street-bridge-to-veh

Collection of immediate media coverage available @ xxxxxx

90 https://www.tbnewswatch.com/local-news/city-awaiting-cn-response-for-swing-bridge-plan-982215 https://www.tbnewswatch.com/local-news/collins-optimistic-about-cns-swing-bridge-plan-984720

91

https://www.thunderbay.ca/Modules/News/index.aspx?newsId=ea6da4c0-b632-4b38-8dca-837d8ebe7f87&feedId=f048d657-68bb-428f-adfb-4671622b813b

https://www.tbnewswatch.com/local-news/cn-to-appeal-swing-bridge-ruling-says-outraged-mayor-989194

<sup>94</sup> City of Thunder Bay statements and media coverage captured & saved to xxxxxx

<sup>95</sup> https://www.tbnewswatch.com/local-news/cn-to-appeal-swing-bridge-ruling-says-outraged-mayor-989194 96 https://www.tbnewswatch.com/local-news/cn-to-appeal-swing-bridge-ruling-says-outraged-mayor-989194

97 http://www.ontariocourts.ca/coa/en/

98 https://www.cbc.ca/news/canada/thunder-bay/fwfn-james-street-bridge-1.4828259

99 https://www.tbnewswatch.com/local-news/fort-william-first-nation-demands-pressure-for-bridge-solution-4-photos-1051918 100 https://www.northernontariobusiness.com/regional-news/thunder-bay/fort-william-chief-wants-cn-thunder-bay-to-restore-bridge-

access-1052403 http://www.chroniclejournal.com/news/local/bridge-action-wanted-now/article\_3c1eccaa-bbb5-11e8-bcfb-577dabb5be2b.html

<sup>102</sup> http://anishinabeknews.ca/2018/10/04/cn-to-develop-a-safe-solution-for-james-street-swing-bridge/

- http://www.tbnewswatch.com/local-news/five-years-after-bridge-closure-legal-case-drags-on-1102435
   https://www.canlii.org/en/on/onca/doc/2018/2018onca919/2018onca919.html

<sup>105</sup> https://www.thunderbay.ca/Modules/News/index.aspx?newsId=3f3aa463-0856-469c-8173-d834aef939e7&feedId=f048d657-68bb-428f-adfb-4671622b813b

https://scc-csc.lexum.com/scc

csc/news/en/item/6537/index.do?fbclid=IwAR0CDhiLfThtwJkSP6qdgcSQd5DDM0CnoGCTo0DIamxHPr8ZJu1rArKzLu0 https://www.thunderbay.ca/Modules/News/index.aspx?newsId=9810861d-1353-4d81-8f0c-63171168fd00&feedId=f048d657-

68bb-428f-adfb-4671622b813b

https://www.tbnewswatch.com/local-news/citys-legal-fees-in-cn-bridge-dispute-approached-2-million-1845549
 https://www.cbc.ca/news/canada/thunder-bay/thunder-bay-legal-costs-james-street-bridge-1.5356863

## <sup>110</sup> https://www.theglobeandmail.com/canada/article-thunder-bays-james-street-bridge-reopens-but-cant-accommodate-fire/